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May 20, 2005

VIA HAND DELIVERY
CONFIDENTIAL MATERIALS ENCLOSED

Ms. Blanca Bayo
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 041114-TP

Dear Ms. Bayo:

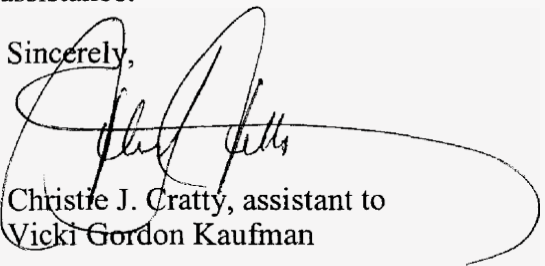
On behalf of XO Communications Services, Inc. (XO) enclosed for filing are the original and one copy each of the following:

- XO's Fifth Request for Specified Confidential Classification with one (1) copy of the CONFIDENTIAL information attached to the original.

This material contains proprietary confidential business information of XO within the meaning of Section 364.183(1), Florida Statutes. To that end, the confidential information in the public copy of the attachments has been redacted.


- CMP 1
- COM _____
- CTR _____
- ECR _____
- GCL 1
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH 1 copy

Please acknowledge receipt of the above by stamping the extra copy of each and returning the stamped copies to me. Thank you for your assistance.

Sincerely,

Christfe J. Cratty, assistant to
Vicki Gordon Kaufman

Enclosures
cc: Jason Rojas (w/redacted enclosures)
James Meza/Andrew Shore (w/enclosures)
Dana Shaffer (w/enclosures)

1 copy
records

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of XO Florida, Inc.
Against BellSouth Telecommunications,
Inc. for refusal to Convert Circuits to
UNEs and for Expedited Processing /

Docket No.: 041114-TP
Filed: May 20, 2005

**XO COMMUNICATION SERVICES INC.'S FIFTH REQUEST FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION**

XO Communication Services Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Fifth Request for Specified Confidential Classification for BellSouth's Response to Staff's Fourth Set of Interrogatories, No. 58.

1. On April 29, 2005, BellSouth Telecommunications, Inc. (BellSouth) filed its Response to Staff's Fourth Set of Interrogatories (Nos. 56-58). The information was provided to the Commission along with a Notice of Intent to Request Confidential Classification for Interrogatory No. 58.

2. BellSouth's Response to Interrogatory No. 58 contains confidential proprietary information belonging to XO. The Response contains information on XO's circuits. XO considers this information to be confidential proprietary business information.

3. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would "impair the competitive business of the provider of the information." Disclosure of the XO confidential information would harm its business operations by placing details of its operations and capabilities in the public domain. Accordingly, the information should be shielded from disclosure and exempt from the public disclosure requirements of section 119.07, Florida Statutes. A more specific description of the exhibit information is contained in Attachment A.

4. The Commission has ruled twice in this docket that circuit information is proprietary and confidential in accordance with Section 362.183 (3) Florida Statutes, and disclosure of this information would cause harm to the requesting party's competitive interests. (See, Order No.PSC-05-TP0511-CFO, BellSouth's Responses to Staff's Second Request for Production of Documents, No. 33; BellSouth's Responses to Staff's Third Request for Production of Documents, No. 59; see also, Order No.PSC-05-0466-CFO-TP). The circuit information contained in BellSouth's Response to Interrogatory No. 58 is the same type of circuit information and disclosure would cause harm to XO's competitive interests.

5. Appended hereto as Attachment B are two copies of the requested documents with the confidential classification redacted.

6. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents that XO claims are confidential and proprietary.

WHEREFORE, based on the foregoing, XO moves the Commission to enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.



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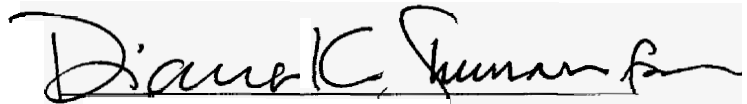
Attorneys for XO Communications Services, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing XO Communication Services, Inc.'s Fifth Request For Confidential Classification was served on the following by hand delivery this 20th day of May , 2005.

Jason Rojas
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

James Meza
Andrew Shore
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301



Vicki Gordon Kaufman

ATTACHMENT A

DOCKET NO. 04114-TP

**XO COMMUNICATIONS SERVICES, INC.'S
FIFTH REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

Explanation of Proprietary Information

1. The copies contain **CONFIDENTIAL** XO information regarding specific XO circuits. This information is related to XO's ongoing business affairs and can be used by XO's competitors to harm its competitive interests. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24 (a), Art. 1 of the State Constitution.

BellSouth's Response to Staff Interrogatory No. 58

<u>Page Nos.</u>	<u>Subsection(s)</u>	<u>Reason</u>
2	g	1

ATTACHMENT B

BellSouth Telecommunications, Inc.
Florida Public Service Commission
Docket No. 041114-TP
Staff's 4th Set of Interrogatories
April 19, 2005
Item No. 58
Page 1 of 2
PROPRIETARY

REQUEST: For purposes for the following requests, please refer to the confidential BellSouth panel's late-filed Deposition Exhibit No. 6 (Document No. 03167-05).

- a. Does this exhibit answer the question posed at the deposition with regard to the Global Crossing circuits in Florida?
- b. If the response to (a) is affirmative, please explain how this exhibit answers the question posed.
- c. If the response to (a) is negative, will BellSouth be submitting a supplemental response?
- d. Have these circuits been converted to XO special access?
- e. Are any of these circuits in Florida?
- f. If the response to (e) is negative, please explain why this exhibit was submitted.
- g. If the response to (e) is affirmative, please specifically identify those circuits that are in Florida.

RESPONSE:

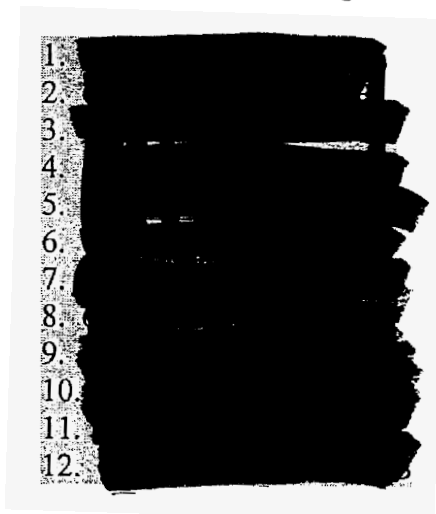
- a. There were two questions posed in the deposition about Global Crossing SPA circuits in Florida. The first question was if there were any Global Crossing SPA circuits in Florida in the XO Global Crossing project? The second question was if any of the Global Crossing SPA circuits in Florida were migrated to XO SPA? The answer to the first question is yes. The answer to the second question is no. Technically, the circuits were migrated from Global Crossing SPA to Allegiance SPA. However, consistent with XO's representations, Allegiance and XO are operating as the same company. Specifically, in XO's letter to BellSouth, dated December 14, 2005, Laura Innis states she is making requests for "XO Communications, Inc., on behalf of its operating subsidiaries, including but not limited to those subsidiaries recent acquired from Allegiance Telecom, Inc. (collectively "XO").

ATTACHMENT B

BellSouth Telecommunications, Inc.
Florida Public Service Commission
Docket No. 041114-TP
Staff's 4th Set of Interrogatories
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PROPRIETARY

RESPONSE: (Cont.)

- b. This exhibit answers the questions to the extent that it reflects Global Crossing SPA circuits that were a part of the XO Global Crossing project in Florida that were migrated to Allegiance SPA circuits.
- c. No.
- d. Yes.
- e. Yes.
- f. N/A
- g. All of the circuits are in FL on the spreadsheet, however, XO submitted 16 FL Global Crossing circuits to be migrated and only 12 were actually migrated in the migration project. The following are the Florida Global Crossing circuits that were migrated to Allegiance:



1.	[REDACTED]
2.	[REDACTED]
3.	[REDACTED]
4.	[REDACTED]
5.	[REDACTED]
6.	[REDACTED]
7.	[REDACTED]
8.	[REDACTED]
9.	[REDACTED]
10.	[REDACTED]
11.	[REDACTED]
12.	[REDACTED]